

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL A. ALLGIRE,

Defendant.

No. 06-CR-30138

ORDER

HERNDON, District Judge:

Before the Court is a motion to continue trial submitted by Defendant Allgire. (Doc. 154.) The Court finds that the trial should be postponed because Defendant Allgire's counsel recently acquired discovery documents and requires more time to prepare due to the volume of discovery in this matter. To require the Defendant to go to trial before he has had adequate time to prepare would visit a manifest miscarriage of justice upon him. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and Defendant Allgire in a speedy trial because failure to grant a continuance would deny Defendant Allgire's counsel the reasonable time necessary to effectively prepare for trial. Therefore, the Court **GRANTS** Defendant Allgire's motion to continue (Doc. 154) and continues the trial

scheduled for December 11, 2007 for Defendant Allgire until February 12, 2007 at 9:00 a.m.

The time from the date Defendant Allgire's motion was raised, December 6, 2006, until the date on which the trial is rescheduled, February 12, 2007, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 7th day of December, 2006.

/s/ David RHerndon
United States District Judge